



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 23, 2015

Michael D. Hall
Product Registration Manager
BASF Corporation
26 Davis Drive
P.O. Box 13528
Research Triangle Park, NC 27709

Subject: PRIA Label Amendment: Addition of Seed Treatment Use in Sugar Beet
Product Name: Xemium 2.78 Fungicide ST
EPA Registration Number: 7969-307
Application Date: March 31, 2014
Decision Number: 489555

Dear Mr. Hall:

The application referred to above, submitted under the Federal Insecticide, Fungicide and Rodenticide Act, as amended is acceptable under FIFRA sec 3 (c)(5). You must submit and/or cite all data required for registration/reregistration/registration review of your product when the Agency requires all registrants of similar products to submit such data.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

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Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6. If you have any questions, please contact Driss Benmhend by phone at (703) 308-9525, or via email at Benmhend.driss@epa.gov.



Shaja B. Joyner, Product Manager 20
Fungicide-Herbicide Branch
Registration Division 7505P

Enclosure

ACCEPTED
 11/23/2015
 Under the Federal Insecticide, Fungicide
 and Rodenticide Act as amended, for the
 pesticide registered under
 EPA Reg. No. 7969-307

Group	7	Fungicide
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Supplemental Label

Xemium® 2.78

fungicide ST

For seed treatment use in sugar beet

This supplemental label expires on December 31, 2018 and must not be used or distributed after this date.

Powered by **Xemium®** fungicide

Active Ingredient:

fluxapyroxad*: 1*H*-Pyrazole-4-carboxamide, 3-(difluoromethyl)-
 1-methyl-N-(3',4',5'-trifluoro[1,1'-biphenyl]-2-yl)-

28.78%

Other Ingredients:.....

71.22%

Total:

100.00%

* Equivalent to 2.78 pounds of active ingredient per gallon

EPA Reg. No. 7969-307

Directions For Use

- It is a violation of federal law to use this product in a manner inconsistent with its labeling.
- The supplemental labeling and the entire **Xemium® 2.78 fungicide ST** container label, EPA Reg. No. 7969-307, must be in possession of the user at the time of application.
- Read the label affixed to the container for **Xemium 2.78** before applying.
- Use of **Xemium 2.78** according to this labeling is subject to the use precautions and limitations imposed by the label affixed to the container for **Xemium 2.78**.

Application Instructions

Apply **Xemium 2.78** according to the **Crop-specific Use Directions** in this label. Observe any additional instructions and/or restrictions on the **Xemium 2.78** container label.

SEED LABELING FOR SUGAR BEET

Treated Seed Must Be Labeled As Follows:
 Federal law requires that bags of treated seeds shall be labeled with the following information: **“This seed has been treated with fluxapyroxad seed treatment. DO NOT use treated seed for food, feed or oil purposes. Store treated seed away from food and feedstuffs.”**

“DO NOT allow children, pets or livestock to have access to treated seeds. Wear long pants, long-sleeved shirt and protective gloves when handling treated seed. Treated seed exposed on soil surfaces may be hazardous to wildlife. Treated seed must be planted into the soil at a depth equal to or greater than 1 inch. Cover or collect treated seed spilled during loading and planting, in particular at row ends and field corners. DO NOT apply more than 4 lbs of treated seeds per acre. Dispose of all excess treated seed by burying seed away from bodies of water. DO NOT contaminate bodies of water when disposing of planting equipment washwater. Dispose of seed packaging or containers in accordance with local requirements.”

The seed label should also include the following: **“Excess treated seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues of pesticide remain in ethanol by-products that are used in agronomic practice.”**

Xemium® 2.78 fungicide ST Crop-specific Use Directions for Seed Treatment

Sugar beet	To provide suppression of seedling diseases caused by <i>Rhizoctonia</i> spp., apply as a commercial seed treatment at 0.5 fl oz of Xemium 2.78 (0.011 lb ai per 100,000 seeds) in or on a unit of pelleted sugar beet seed with a weight ratio of 2:1 pelleting mixture to raw seed [seed count = 100,000 seeds, approximately 2.2 pounds (1 kilogram) by weight].
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Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

ST 1108

Xemium is a registered trademark of BASF.

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We create chemistry